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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,805	01/30/2002	Hiroyuki Tomoike	Q68279	4726

7590 08/22/2005

SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037-3213

EXAMINER
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NGUYEN, THANH T

ART UNIT	PAPER NUMBER
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2144

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/058,805

Applicant(s)

TOMOIKE, HIROYUKI

Examiner

Tammy T. Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE (3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_



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*Detailed Office Action*

1. This action is in response to the Amendment filed on March 31, 2005.
2. Claims 1-7 are pending.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin, Jr et al., (hereinafter Martin) U.S. Patent No. 6,610,105 in view of Masahiro Fujii., (hereinafter Fujii) U.S. Patent No. 6,804,537.
5. As to claim 1, Martin, Jr et al teaches the invention as claimed, including a mobile communication system, comprising: a portable information terminal unit (mobile device

106 of fig. 1A); mobile stations capable of participating simultaneously in communication with said portable (see col.6, lines 40-45) Martin Jr et al does not specifically disclose a plurality of mobile stations, information terminal unit (mobile station 108 communicate with terminal unit 106 of fig. 1A). However, this feature is obvious with the system because in a mobile station and terminal unit environment, multiple stations are connected to a terminal unit and are interchangeable. The terminal unit that has interactions/ communications with the mobile station can be substituted for another mobile station in the network. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made that once Martin teach a mobile station communicates with terminal unit that can imply that plurality/multiple mobile station can do the same function as communications with terminal unit when the system has multiple mobile stations connect to the terminal unit. A packet mobile switching center which is adapted to communicate with said mobile stations through a radio access network (see col.5, lines 6-40)(the operations and maintenance center comprises a mobile switching center performing the switching of calls between the mobile devices and other fixed or mobile network users); a packet mobile gateway switching center which is adapted to communicate with said packet mobile switching center through a mobile data network (gateway server in fig.2A as link server 114) (see col.5, lines 40-67); and a content server which is adapted to communicate with said packet mobile gateway switching center through the Internet (server 134, 132 communicate with link server 114 through the internet 104) (see col.6, lines 52 to col.7, line 33). Martin does not explicitly teach portable information terminal unit is adapted to download or upload data from or to

said content server through the plurality of mobile stations. However, Fujii teaches information terminal unit downloads or uploads data from or to said content server through the plurality of mobile stations (Fig.12)(see col.4, lines 20-35, col.14, lines 28-60). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement the teachings of Fujii into the computer system of Martin to teaching information terminal unit downloads or uploads data from or to said content server through the plurality of mobile stations because it would have an efficient system that can provide a data communication system, that display data most adaptive for an access condition and interest of a user can be displayed, and desirable data can be easily acquired.

6. As to claim 2, Martin teaches the invention as claimed, including a mobile communications system comprising: a portable information terminal unit wherein: said portable information terminal unit is adapted to communicate with a mobile stations, Martin Jr et al al does not specifically disclose a plurality of mobile stations. However, this feature is obvious with the system because in a mobile station and packet switching center environment, multiple stations are connected to packet switching center and are interchangeable. The terminal unit that has interactions/ communications with the mobile station can be substituted for another mobile station in the network. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made that once Martin teach a mobile station communicates with packet switching center that can imply that plurality/multiple mobile station can do the same function as

communications with packet switching when the system has multiple mobile stations connect to the packet switching center (see col.6, lines 40-45) with a packet mobile switching center through a radio access network (see col.5, lines 6-40)(the operations and maintenance center comprises a mobile switching center performing the switching of calls between the mobile devices and other fixed or mobile network users), said packet mobile switching center is adapted to communicate with a packet mobile gateway switching center through a mobile data network (see col.5, lines 6-40)(the operations and maintenance center comprises a mobile switching center performing the switching of calls between the mobile devices and other fixed or mobile network users), said mobile gateway switching center is adapted to communicate with a content server through the Internet (server 134, 132 communicate with link server 114 through the internet 104) (see col.6, lines 52 to col.7, line 33). Martin does not explicitly teach portable information terminal unit is adapted to download or upload data from or to said content server through the plurality of mobile stations. However, Fujii teaches portable information terminal unit is adapted to download or uploads data from or to said content server through the plurality of mobile stations (Fig.12)(see col.4, lines 20-35, col.14, lines 28-60). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement the teachings of Fujii into the computer system of Martin to teaching information terminal unit downloads or uploads data from or to said content server through the plurality of mobile stations because it would have an efficient system that can provide a data communication system, that display data most adaptive for

an access condition and interest of a user can be displayed, and desirable data can be easily acquired.

7. As to claim 3, Martin teaches the invention as claimed, including a mobile communications system comprising: a first mobile station, capable of participating simultaneously with at least a second mobile station, in communication with a portable information terminal (see col.6, lines 40-45). Martin Jr et al al does not specifically disclose first and second mobile stations. However, this feature is obvious with the system because in a mobile station and Packet switching center environment, multiple stations are connected to packet switching center and are interchangeable. The terminal unit that has interactions/ communications with the mobile station can be substituted for another mobile station in the network. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made that once Martin teach a mobile station communicates with packet switching center that can imply that plurality/multiple mobile station can do the same function as communications with packet switching when the system has multiple mobile stations connect to the packet switching center, are adapted to communicate with a packet mobile switching center through a radio access network (see col.5, lines 6-40)(the operations and maintenance center comprises a mobile switching center performing the switching of calls between the mobile devices and other fixed or mobile network users), said packet mobile switching center is adapted to communicate with a packet mobile gateway switching center through a mobile data network (see col.5, lines 6-40)(the operations and maintenance center

comprises a mobile switching center performing the switching of calls between the mobile devices and other fixed or mobile network users), said mobile gateway switching center is adapted to communicate with a content server through the Internet (server 134, 132 communicate with link server 114 through the internet 104) (see col.6, lines 52 to col.7, line 33). Martin does not explicitly teach said portable information terminal unit is adapted to download to download or upload\_data from or to said content server through the plurality of mobile stations. However, Fujii teaches information terminal unit downloads or uploads data from or to said content server through the plurality of mobile stations (Fig.12)(see col.4, lines 20-35, col.14, lines 28-60). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement the teachings of Fujii into the computer system of Martin to teaching information terminal unit downloads or uploads data from or to said content server through the plurality of mobile stations because it would have an efficient system that can provide a data communication system, that display data most adaptive for an access condition and interest of a user can be displayed, and desirable data can be easily acquired.

8. As to claim 4, Martin teaches the invention as claimed, including a packet mobile switching center which is adapted to communicate\_with a plurality of mobile stations through a radio access network, an information terminal unit (mobile device 106 of fig.1A); Martin Jr et al does not specifically disclose a plurality of mobile stations, each of which communicates with said information terminal unit (mobile station 108 communicate with terminal unit 106 of fig.1A). However, this feature is obvious with



the system because in a mobile station and terminal unit environment, multiple stations are connected to a terminal unit and are interchangeable. The terminal unit that has interactions/ communications with the mobile station can be substituted for another mobile station in the network. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made that once Martin teach a mobile station communicates with terminal unit that can imply that plurality/multiple mobile station can do the same function as communications with terminal unit when the system has multiple mobile stations connect to the terminal unit. Mobile station are capable of participating simultaneously in communication with a portable information terminal unit (see col.6, lines 40-45), said packet mobile switching center is adapted to communicate with a packet mobile gateway switching center through a mobile data network (see col.5, lines 6-40)(the operations and maintenance center comprises a mobile switching center performing the switching of calls between the mobile devices and other fixed or mobile network users), said mobile gateway switching center is adapted to communicate with a content server through the Internet (server 134, 132 communicate with link server 114 through the internet 104) (see col.6, lines 52 to col.7, line 33). Martin does not explicitly teach portable information terminal unit is adapted to download or upload data from or to said content server through the plurality of mobile stations. However, Fujii teaches portable information terminal unit is adapted to download or uploads data from or to said content server through the plurality of mobile stations (Fig.12)(see col.4, lines 20-35, col.14, lines 28-60). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement the teachings of Fujii into the computer

system of Martin to teaching information terminal unit downloads or uploads data from or to said content server through the plurality of mobile stations because it would have an efficient system that can provide a data communication system, that display data most adaptive for an access condition and interest of a user can be displayed, and desirable data can be easily acquired.

9. As to claim 5, Martin teaches the invention as claimed, including a packet mobile gateway switching center which is adapted to communicate with a packet mobile switching center through a mobile data network, wherein said packet mobile switching center is adapted to communicate with a plurality of mobile stations through a radio access network (see col.5, lines 6-40)(the operations and maintenance center comprises a mobile switching center performing the switching of calls between the mobile devices and other fixed or mobile network users), mobile stations are capable of participating simultaneously in communication with an information terminal unit (see col.6, lines 40-45), Martin Jr et al does not specifically disclose a plurality of mobile stations (mobile station 108 communicate with terminal unit 106 of fig.1A). However, this feature is obvious with the system because in a mobile station and terminal unit environment, multiple stations are connected to a terminal unit and are interchangeable. The terminal unit that has interactions/ communications with the mobile station can be substituted for another mobile station in the network. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made that once Martin teach a mobile station communicates with terminal unit that can imply that plurality/multiple

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mobile station can do the same function as communications with terminal unit when the system has multiple mobile stations connect to the terminal unit. said mobile gateway switching center is adapted to communicate with a content server through the Internet (server 134, 132 communicate with link server 114 through the internet 104) (see col.6, lines 52 to col.7, line 33). Martin does not explicitly teach portable information terminal unit is adapted to download or upload data from or to said content server through the plurality of mobile stations. However, Fujii teaches information terminal unit downloads or uploads data from or to said content server through the plurality of mobile stations (Fig. 12)(see col.4, lines 20-35, col.14, lines 28-60). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement the teachings of Fujii into the computer system of Martin to teaching information terminal unit downloads or uploads data from or to said content server through the plurality of mobile stations because it would have an efficient system that can provide a data communication system, that display data most adaptive for an access condition and interest of a user can be displayed, and desirable data can be easily acquired.

10. As to claim 6, Martin teaches the invention as claimed, including a contents server which is adapted to communicate with a packet mobile gateway switching center through the Internet, wherein said packet mobile gateway switching center is adapted to communicated with a packet mobile switching center through a mobile data network (see col.5, lines 6-40)(the operations and maintenance center comprises a mobile switching center performing the switching of calls between the mobile devices and other fixed or

mobile network users), said packet mobile switching center is adapted to communicate with a plurality of mobile stations through a radio access network (see col.5, lines 6-40)(the operations and maintenance center comprises a mobile switching center performing the switching of calls between the mobile devices and other fixed or mobile network users); mobile stations, are capable of participating simultaneously in communication with portable information terminal unit (see col.6, lines 40-45), Martin Jr et al does not specifically disclose a plurality of mobile stations (mobile station 108 communicate with terminal unit 106 of fig.1A). However, this feature is obvious with the system because in a mobile station and terminal unit environment, multiple stations are connected to a terminal unit and are interchangeable. The terminal unit that has interactions/ communications with the mobile station can be substituted for another mobile station in the network. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made that once Martin teach a mobile station communicates with terminal unit that can imply that plurality/multiple mobile station can do the same function as communications with terminal unit when the system has multiple mobile stations connect to the terminal unit, and Martin does not explicitly teach said portable information terminal data from or to said content server through the plurality of mobile stations.

11. Claim 7 has similar limitations as claim 1, therefore, it is rejected under the same rationale, and a data transferring method for use with a mobile communication system, said method comprising the steps of causing: a portable information terminal unit to communicate with a plurality of mobile station, the mobile stations being capable of

participating simultaneously in communication with the portable information terminal unit (see col.6, lines 40-51).

### ***Response to Arguments***

12. Applicant's arguments filed on May 31, 2005 have been fully considered, however they are not persuasive because of the following reasons:

13. Applicants argue that Martin does not teach or suggest a portable information terminal unit simultaneously communicating with mobile stations. In response to Applicant's argument, the Patent Office maintain the rejection because Martin teaches a portable information terminal unit simultaneously communicating with mobile stations as shown in col.6, lines 40-45. Martin clearly shows a portable simultaneously communicating with mobile stations.

14. Therefore, the Examiner asserts that cited prior arts teach or suggest the subject matter broadly recited in independent device and system 2-6, and methods claim 7 are respectfully rejected.

### ***Conclusion***

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

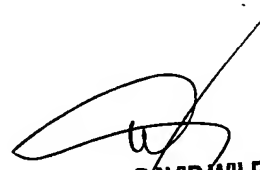
the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

16. Any inquiries concerning this communication or earlier communications from the examiner should be directed to **Tammy T. Nguyen** who may be reached via telephone at **(571) 272-3929**. The examiner can normally be reached Monday through Friday between 8:00 a.m. and 5:00 p.m. eastern standard time.

If you need to send the Examiner, a facsimile transmission regarding this instant application, please send it to **(703) 872-9306**. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, David Wiley, may be reached at **(571) 272-3923**.

*TTN*

August 9, 2005



**DAVID WILEY**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**